

REMARKS

At the outset, the Examiner is thanked for the review and consideration of the pending application. The Non-Final Office Action dated April 30, 2008 has been received and its contents reviewed. Reconsideration of the pending application is respectfully requested in view of the following observations.

1. Amendments and Support for Same.

By this Response, claims 2, 3, 10 and 11 are hereby amended. Support for the amendments to the claims can be found at least at Applicant's Figures 2(a) and 2(b), Figures 3(a), 3(b), 3(c) and 3(d) and Specification pages 24-29. No new matter is added.

Claims 1, 4, 5, 7-9, 12, 13, 15-17, 19, 20, 24 and 25 are hereby canceled per Applicant's Election of Group I (claims 2, 3, 6, 10, 11, 14, 18 and 21-23) without traverse in Response to Restriction Requirement filed February 20, 2008.

No other claims are hereby canceled. No claims are hereby newly added.

Accordingly, claims 2, 3, 6, 10, 11, 14, 18 and 21-23 remain currently pending.

2. Claims 2, 3, 6, 10, 11, 14, 18 and 21-23 are rejected under 35 U.S.C. §103(a) as unpatentable over United States patent 7,020,780 B1 (*Mochizuki*) in view of United States patent application publication 2006/0265752 A1 (*Wei*).

The rejection of claims 2, 6 and 21 is respectfully traversed and reconsideration is requested.

Claims 2, 6 and 21 are allowable over the cited references in that each of these claims recite a combination of elements including, for example, "... the BCA code constituted by a plurality of marks and including a secret code which is modulated in accordance with a previously determined procedure and the secret code forms an undulation with respect to the BCA code in a range capable of recognizing a recording position in a radial direction of the optical disc and/or a position in a track direction of said plurality of marks as the BCA code."

None of the cited references, singly or in any combination, teach or suggest at least these features of the claimed invention.

In rejecting claim 2, the Examiner refers to *Mochizuki* Figure 7 element S42 as the claimed secret code. However, *Mochizuki* element S42 is a cipher key that is written in a predetermined area of the optical disc (Col. 10, Lines 3-25). The cipher key is used to prevent illegal use or duplication of information on an optical disc (Col. 3, Lines 45-55). The cipher key appears to be written in the BCA area (Id.).

However, there is no indication of the claimed shape of the cipher key with respect to the BCA code.

Turning to the claimed invention, Applicant's Figures 2(a) and 2(b) by way of non-limiting example, show the secret code portion (48) with respect to the marks of the BCA code. As can be seen in Figure 2(b), the secret code portion (48) forms an undulation with respect to at least the mark length, mark intervals and mark widths (See also Applicant's Figures 3(a), 3(b), 3(c) and 3(d)).

The Examiner's attention is also drawn to the word "modulation" which refers to the changing of position and shape of the BCA code (Applicant's Specification page 28).

It is submitted that *Mochizuki* does not teach or suggest that the cipher key forms an undulation with respect to the BCA code or that the cipher key is modulated in accordance with a previously determined procedure.

Wei teaches a method and system for authenticating a disc.

Wei teaches, "[a]ccording to one embodiment of the invention, upon insertion of a disc into a player, the player reads a disc identification (ID) on the disc. The player then sends a registration request with the disc ID to a server over the Internet for obtaining an authentication key for playing the disc, upon proper registration of the disc by the server. To properly register the disc, the server first determines whether the disc ID is included in its database. If so, the server will then check whether the disc has already been registered. If it has not, the server will send back an encrypted authentication key to the player to enable it to play the disc. Upon proper registration of the disc, the server will set a registration status associated with the disc to prevent any subsequent unauthorized registrations for the same disc. If either the disc ID is not included in the server database or the disc has already been registered, the server will send back a failed registration code to the player that will then reject the disc (Summary of Invention)."

Wei does not teach or suggest the claimed secret code.

Accordingly, considering the combination of *Mochizuki* and *Wei*, the combination fails to teach or suggest all of the claimed limitations of the claimed invention. Thus, it is submitted that the combination of references does not render the claims *prima facie* obvious.

Withdrawal of the rejection of claims of claims 2, 6 and 21 is respectfully requested.

The rejection of claims 3, 18 and 22 is respectfully traversed and reconsideration is requested.

Claims 3, 18 and 22 are allowable over the cited references in that each of these claims recite a combination of elements including, for example, “... a recording step of recording on the optical disc the BCA code constituted by a plurality of marks and forming an undulating secret code with respect to the BCA code which is modulated in accordance with a previously determined procedure in a range capable of recognizing a recording position in a radial direction of the optical disc and/or a position in a track direction of said plurality of marks as the BCA code.”

None of the cited references teach or suggest at least these features of the claimed invention.

Applicant’s arguments with respect to the rejection of claims 2, 6 and 21 apply equally to the rejection of claims 3, 18 and 22 and are not repeated herein.

Withdrawal of the rejection of claims of claims 3, 18 and 22 is respectfully requested.

The rejection of claims 10, 14 and 21 is respectfully traversed and reconsideration is requested.

Claims 10, 14 and 21 are allowable over the cited references in that each of these claims recite a combination of elements including, for example, “... the BCA code constituted by a plurality of marks and including a secret code which is modulated in accordance with a previously determined procedure and the secret code forms an undulation with respect to the BCA code in a range capable of recognizing a length in a radial direction of the optical disc and/or a width in a track direction of said plurality of marks as the BCA code.”

None of the cited references teach or suggest at least these features of the claimed invention.

Applicant's arguments with respect to the rejection of claims 2, 3, 6, 18, 21 and 22 apply equally to the rejection of claims 10, 14 and 21 and are not repeated herein.

Withdrawal of the rejection of claims of claims 10, 14 and 21 is respectfully requested.

The rejection of claims 11, 18, 22 and 23 is respectfully traversed and reconsideration is requested.

Claims 11, 18, 22 and 23 are allowable over the cited references in that each of these claims recite a combination of elements including, for example, "... the BCA code constituted by a plurality of marks and including a secret code which is modulated in accordance with a previously determined procedure and the secret code forms an undulation with respect to the BCA code in a range capable of recognizing a length in a radial direction of the optical disc and/or a width in a track direction of said plurality of marks as the BCA code."

Applicant's arguments with respect to the rejection of claims 2, 3, 6, 10, 14, 18, 21 and 22 apply equally to the rejection of claims 11, 18 and 22 and 23 and are not repeated herein.

Withdrawal of the rejection of claims of claims 11, 18, 22 and 23 is respectfully requested.

3. Conclusion.

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080

Date: July 30, 2008

Respectfully submitted,



JUSTIN J. CASSELL
Attorney for Applicant
Registration No. 46,205